REMARKS

Claims 1-5, 7-13, and 15-34 were pending in the application, with Claims 1, 9, 16, 23, and 30 being independent. Applicant amends independent Claims 1, 9, 16, 23, and 30 to further clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at pages 4-5 and 7-9, and in Figure 2. These revisions introduce no new matter.

Claims 1-5, 7-13, and 15-34 are now pending in the application. Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the application in better form for appeal.

Information Disclosure Statement

The Office noted that four items in the information disclosure statement filed on October 17, 2008, "have not been given consideration for lacking relevance to the present application or for neither include a concise explanation of the relevance, nor an English translation of least the abstract" (Office Action, pgs. 2-3). Applicant will submit an English translation of the abstract for references a, c, and d (Foreign Patent Document Citations #2, #4, and #5, respectively). In regard to reference b (Foreign Patent Document Citation #3), Applicant believes that the reference was mistakenly submitted, and agrees with the Examiner's observation that the document cited lacks relevance.

Claim Rejections Under 35 U.S.C. § 103(a): A. and B.

A. Claims 1-5, 7, 9-13, 16-21, 23-28, and 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "Remote Operating System Installation" (hereinafter "ROSI") in view of U.S. Patent Publication Application No. 2001/0020228 A1 to Cantu et al. (hereinafter "Cantu") which incorporates the "Handbook of Applied Cryptography". Applicant respectfully traverses the rejection.

Independent Claim 1

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends independent Claim 1 to further clarify features of the subject matter. **Independent Claim 1** as amended now recites an out-of-band method implemented on a computing device having instructions executable by a processor for asynchronously establishing a secure association with a server node, the method comprising:

> allowing a client node to remotely load an operating system;
> loading the operating system on the client node, wherein a profile of the operating system is stored on the server node;
> generating a local public value and a local private value on the client node;
> storing the public value for configuration of the secure association on an out-of band computer-readable storage medium, wherein the stored public value is not used for authentication;
> transporting the out-of-band computer-readable storage medium to the server node to establish a trust relationship allowing for remotely loading the operating system on the client node from the server node, wherein a low level of trust is required as the trust relationship required between the client node and the server node is established by using a third party out-of-band entity;
> receiving from the server node a public value generated by the server node via the out-of-band computer-readable storage medium,

wherein the public value generated by the server node is generated with a private value generated by the server node in response to receiving the public value from the client node; and

generating a secret value using the local private value in combination with the public value received from the server node; wherein the receiving is asynchronous to the generating the secret value.

Applicant respectfully submits that no such method is disclosed, taught, or suggested by ROSI and Cantu, alone or in combination.

ROSI and Cantu Fail to Disclose, Teach, or Suggest Remotely Loading an Operating System on a Client Node from a Server Node Wherein a Low Level of Trust is Required as the Trust Relationship Required between the Client Node and the Server Node is Not Established over a Network in which they are Communicatively Coupled and Generating another Public Value at the Server Node in Response to Receiving the Public Value from the Client Node

ROSI is directed towards remote operating system installation feature of Microsoft Windows 2000 that gives administrators the ability to deploy an operating system throughout the enterprise, without the need to physically visit each client computer (ROSI, Abstract).

Cantu fails to compensate for the deficiencies of ROSI. Cantu is directed towards using relationships among entities to exchange encryption keys for use in providing access and authorization to resources (Cantu, para. 0003). In Cantu, each entity has one relationship with one other entity and uses preexisting relationships among entities to exchange the encrypting keys, assuring the entities as to the authenticity of the keys with a degree of certainty corresponding to the nature of the relationship (Cantu, paras. 0015,

0019, 0085). Cantu shows a transaction of a key occurring as a part of preexisting relationship where the key is sent through some secure channel, such as providing a computer diskette or through an encrypted e-mail message (Cantu, para. 0089).

ROSI and Cantu, alone or in combination, fail to disclose, teach, or suggest, *"transporting the out-of-band computer-readable storage medium to the server node to establish a trust relationship allowing for remotely loading the operating system on the client node from the server node, wherein a low level of trust is required as the trust relationship required between the client node and the server node is established by using a third party out-of-band entity"* and *"receiving from the server node a public value generated by the server node via the out-of-band computer-readable storage medium, wherein the public value generated by the server node is generated with a private value generated by the server node in response to receiving the public value from the client node"*, as recited in Applicant's amended Claim 1.

While ROSI discusses remote operating system installation, the Office fails to show that ROSI is directed towards remote operating system loading, as recited in Applicant's amended Claim 1. Furthermore, the Office fails to show that either ROSI or Cantu discuss *"transporting the out-of-band computer-readable storage medium to the server node to establish a trust relationship allowing for remotely loading the operating system"*, as recited in Applicant's amended Claim 1.

Applicant reviews the evidence and respectfully submits that the evidence no longer supports an obviousness rejection as the Office failed to show that ROSI and Cantu, alone or in combination, disclose, teach, or suggest every feature recited in

Applicant's amended Claim 1. Accordingly, Applicant respectfully requests that the §
103 rejection be withdrawn.

Independent Claims 9, 16, 23, and 30

Independent Claims 9, 16, 23, and 30 are directed to a computer-readable
storage medium, an apparatus, a method, and an apparatus, respectively. These claims
are allowable for reasons similar to those discussed above with respect to Claim 1.

Applicant respectfully submits that the Office failed to show that ROSI and Cantu
disclose, teach, or suggest each and every feature of Claims 9, 16, 23, and 30, as
amended. Accordingly, Applicant respectfully requests that the § 103 rejection be
withdrawn.

Dependent Claims 2-5, 7, 10-13, 17-21, 24-28, and 31-33 depend directly or
indirectly from one of independent Claims 1, 9, 16, 23, and 30, respectively, and are
allowable by virtue of this dependency. Dependent claims 2-5, 7, 10-13, 17-21, 24-28,
and 31-33 are also allowable for their own recited features that, in combination with
those recited in independent Claims 1, 9, 16, 23, and 30, are not disclosed, taught, or
suggested by ROSI and Cantu, alone or in combination.

**B. Claims 8, 15, 22, 29, and 34 stand rejected under § 103(a) as being
unpatentable over ROSI in view of Cantu, and further in view of Official Notice.**
Applicant respectfully traverses the rejection.

Dependent Claims 8, 15, 22, 29, and 34 depend directly or indirectly from one
of independent Claims 1, 9, 16, 23, and 30, respectively, and are allowable by virtue of

this dependency. In addition to citing to ROSI and Cantu, the Office cites to the Official Notice for support in rejecting Claims 8, 15, 22, 29, and 34 under § 103.

The Official Notice is directed towards computer diskettes being functional equivalents to any one of a personal digital assistant, flash memory, memory stick, barcode, smart card, USB-compatible device, Bluetooth-compatible device, and infrared-compatible device (Office Action, pgs. 23-24).

Dependent claims 8, 15, 22, 29, and 34 are also allowable for their own recited features that, in combination with those recited in independent Claims 1, 9, 16, 23, and 30, the Office did not show to be disclosed, taught, or suggested by ROSI, Cantu, and Official Notice, alone or in combination.

Applicant respectfully submits that the Office failed to show that ROSI, Cantu, and Official Notice, alone or in combination, render the claimed subject matter obvious and that the claimed subject matter, therefore, is patentably distinguishable over the cited references. For all of these reasons, Applicant respectfully request the §103(a) rejection of these claims be withdrawn.

CONCLUSION

Claims 1-5, 7-13, and 15-34 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

Lee & Hayes, PLLC

Dated: 06/15/2009   By: / Dino Kujundzic /

Dino Kujundzic
Reg. No. 63,104
509-944-4762

Shirley L. Anderson
Reg. No. 57,763
509-944-4758